

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

SHELLY WEST,

Defendant.

CASE NO. 8:08CR175

TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report (“PSR”) in this case. The parties have not objected to the PSR. See Order on Sentencing Schedule, ¶ 6. The government adopted the PSR. (Filing No. 168.) The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

Although neither party has objected to the PSR, it appears that the Defendant's name is misspelled throughout the PSR and sentencing recommendation. The Defendant's first name is spelled "Shelly" in other court records. The PSR and sentencing recommendation should be corrected before being sent to the Bureau of Prisons.

IT IS ORDERED:

1. The Defendant's first name appears to be misspelled through the PSR and the sentencing recommendation, and these documents must be corrected before sending them to the Bureau of Prisons;
2. Otherwise, the parties are notified that my tentative findings are that the PSR is correct in all respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 20th day of April, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge